

REMARKS**INTRODUCTION:**

In accordance with the foregoing, claims 2, 14, 22, 23, 25 and 27 have been canceled without prejudice or disclaimer, and claims 1, 3, 4, 8, 10, 11, 13, 15, 19 and 21 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 3-6, 8-12, 13, 15-17, 19, and 21 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because:

- (a) at least certain of the rejected claims have been canceled thereby at least reducing the issues for appeal;
- (b) it is believed that the amendments of claims 1, 3, 4, 8, 10, 11, 13, 15, 19 and 21 put this application into condition for allowance;
- (c) the amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed;
- (d) the amendments of claims 1, 3, 4, 8, 10, 11, 13, 15, 19 and 21 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and/or
- (e) the amendments place the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

EXAMINER'S RESPONSE TO ARGUMENTS:

In the Office Action, at page 2, numbered paragraphs 2-6, the Examiner provided his responses to Applicant's October 26, 2007 response.

In view of the following amendments and arguments, the Examiner's responses are respectfully submitted to be overcome.

REJECTION UNDER 35 U.S.C. §103:

A. In the Office Action, at pages 3-10, numbered paragraph 8, claims 1, 13 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. (USPN 5,751,373; hereafter, Ohyama) in view of Chang et al. (US 2003/0090515; hereafter, Chang). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claim 1 has been amended to include the features of claims 2 and 22. Claims 2 and 22 have been canceled without prejudice or disclaimer.

Independent claim 13 has been amended to include the features of claims 14 and 23. Claims 14 and 23 have been canceled without prejudice or disclaimer.

Independent claim 21 has been amended to include the features of claims 25 and 27. Claims 25 and 27 have been canceled without prejudice or disclaimer.

Claims 3, 4, 8, 10, 11, 15 and 19 have been amended to update dependency.

It is respectfully submitted that the Examiner has admitted that Ohyama and Chang do not expressly disclose "wherein if a code corresponding to the remote control signal received by the remote control signal receiver is not stored in the memory unit, the controller ignores the remote control signal" (see page 18 of the Office Action).

Each of independent claims 1, 13 and 21 of the present invention has been amended to recite "wherein if a code corresponding to the remote control signal received by the remote control signal receiver is not stored in the memory unit, the controller ignores the remote control signal."

Thus, it is respectfully submitted that amended independent claims 1, 13 and 21 are patentable under 35 U.S.C. §103(a) over Ohyama et al. (USPN 5,751,373) in view of Chang et al. (US 2003/0090515).

B. In the Office Action, at pages 10-17, numbered paragraph 9, claims 2-6, 8-12, 14-17, 19 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. (USPN 5,751,373; hereafter, Ohyama) in view of Chang et al. (US 2003/0090515; hereafter,

Chang), and further in view of Song (USPN 5,691,778; hereafter, Song). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

It is respectfully submitted that the Examiner has admitted that Ohyama, Chang and Song do not expressly disclose "wherein if a code corresponding to the remote control signal received by the remote control signal receiver is not stored in the memory unit, the controller ignores the remote control signal" (see page 18 of the Office Action).

As noted above, independent claim 1 has been amended to include the features of claims 2 and 22, claims 2 and 22 have been canceled without prejudice or disclaimer, independent claim 13 has been amended to include the features of claims 14 and 23, claims 14 and 23 have been canceled without prejudice or disclaimer, independent claim 21 has been amended to include the features of claims 25 and 27, and claims 25 and 27 have been canceled without prejudice or disclaimer. Also, claims 3, 4, 8, 10, 11, 15 and 19 have been amended to update dependency.

Each of independent claims 1, 13 and 21 of the present invention has been amended to recite "wherein if a code corresponding to the remote control signal received by the remote control signal receiver is not stored in the memory unit, the controller ignores the remote control signal."

Thus, it is respectfully submitted that amended independent claims 1, 13 and 21 are patentable under 35 U.S.C. §103(a) over Ohyama et al. (USPN 5,751,373) in view of Chang et al. (US 2003/0090515), and further in view of Song (USPN 5,691,778).

Since claims 3-6, 8-12, 15-17, and 19 depend from amended independent claims 1 and 13, claims 3-6, 8-12, 15-17, and 19 are patentable under 35 U.S.C. §103(a) over Ohyama et al. (USPN 5,751,373) in view of Chang et al. (US 2003/0090515), and further in view of Song (USPN 5,691,778) for at least the reasons amended independent claims 1 and 13 are patentable under 35 U.S.C. §103(a) over Ohyama et al. (USPN 5,751,373) in view of Chang et al. (US 2003/0090515), and further in view of Song (USPN 5,691,778).

C. In the Office Action, at pages 18-19, numbered paragraph 10, claims 22, 23 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. (USPN 5,751,373; hereafter, Ohyama) in view of Chang et al. (US 2003/0090515; hereafter, Chang) and Song (US 5,691,778; hereafter, Song) and further in view of Bradley et al. (USPN 6,574,798; hereafter, Bradley). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

The features of claim 22 have been incorporated into amended independent claim 1, and

claim 22 has been canceled without prejudice or disclaimer. The features of claim 23 have been incorporated into amended independent claim 13, and claim 23 has been canceled without prejudice or disclaimer. The features of claim 25 have been incorporated into amended independent claim 21, and claim 25 has been canceled without prejudice or disclaimer.

Hence, the rejection of claims 22, 23 and 25 under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. (USPN 5,751,373) in view of Chang et al. (US 2003/0090515) and Song (US 5,691,778) and further in view of Bradley et al. (USPN 6,574,798) is now moot.

It is respectfully submitted that the Examiner has admitted that Ohyama, Chang and Song do not expressly disclose “wherein if a code corresponding to the remote control signal received by the remote control signal receiver is not stored in the memory unit, the controller ignores the remote control signal” (see page 18 of the Office Action).

In FIG. 2, the Abstract of Bradley, col. 4, line 64 through col. 5, line 33, and col. 8, line 59 through col. 10, line 12 of Bradley, recited below for the convenience of the Examiner, Bradley teaches a system and controller for control for distribution of audio/video signals on a pay-for use basis, to a customer in a controlled environment such as a motel, hotel, bus station, bar or apartment building:

Abstract:

The object of the invention is to provide a system and controller for distribution of audio/video signals on a pay-for-use basis, to a customer in a controlled environment such as a motel, hotel, bus station, bar or apartment building. The system includes a global authorization computer which transmits authorization to the customer over a telephone line. The customer has a telephone line/television control interface which receives the dual-tone multi-frequency authorization and allows the customer to select the authorized channel for a defined length of time. Without authorization, the telephone line/television control interface will deny the customer's attempt to tune his television to a pay-for-use channel. When the authorized time expires, the telephone line/television control interface tunes the customer's television to a non-pay-for-use channel. Additional options and embodiments are also presented. (emphasis added)

col. 4, line 64 through col. 5, line 33:

An example of a solution to the problem of coordinating televisions and television appliances is presented as a block diagram in FIG. 1. This figure presents a system 10 which includes a television set 12 and a television appliance 14 electrically connected to the video signal input of the television set 12, at a User location. A standard hand-held remote control device 16 is used to transmit a tuning signal representing a selected channel. The television appliance 14 is operable to receive the tuning signal representing the selected channel and will transmit its video and/or audio signal output on the frequency corresponding to the selected television channel. This video and/or audio signal is transmitted to the television set 12 via the electrical connection to the video signal input of the television set 12. The television set 12 also receives the tuning signal

from the hand-held remote control device 16 and adjusts its tuner to receive a signal at the corresponding frequency. The television set 12 thus receives the video and/or audio signal from the television appliance 14 and processes the video and/or audio signal to present it to the User. (emphasis added)

Having the television appliance 14 and the television set 12 work in a coordinated effort in response to the same set of signals from the hand-held remote control device 16, the User may use a single hand-held remote control device 16 and does not have to worry about identifying the television appliance 14 and the television set 12 to the hand-held remote control device 16. The User does not have to identify the output frequency of the television appliance 14 and tune the television set 12 accordingly, because the television appliance 14 assumes that the television set 12 has been tuned to the channel identified by the hand-held remote control device 16, and it modulates its output to that frequency. The invention also does not require video switches to be set, because again, the television appliance 14 and the television set 12 receive the same set of signals from the hand-held remote control device 16 and may make assumptions about what the other device is doing. (emphasis added)

col. 8, line 59 through col. 10, line 12:

The three major components of the system will now be described in greater detail: the telephone line/television control interface 24, the global authorization computer 28, and the local source of video signals 26. (emphasis added)

As described above, the telephone line/television control interface 24 prevents Users from tuning their television sets 12 to pay-for-use channels without the proper authorization. One such apparatus for performing this function is shown as a block diagram in FIG. 3. Broadly speaking, the telephone line/television control interface 24 comprises three components: a means 34 for receiving a request to tune the television set 12 to a selected channel; a means 36 for receiving an authorization packet authorizing viewing of a pay-for-use channel, from the global authorization computer 28 via the telephone network 32; and a controlling means 38 responsive to the selected channel being a pay-for-use channel and authorization to view the pay-for-use channel being received, by passing the selected channel to the television set 12 at the transmitted frequency of the selected channel. (emphasis added)

The general operation of the telephone line/television control interface 24 is best described with respect to an example. If the User selects a non-pay-for-use channel using a hand-held infrared remote control 16, then the television set 12 will receive the request and tune itself to that receive that channel. The receiver 34 of the telephone line/television control interface 24 will also receive the tuning request and pass it to the channel access controller 38. If the channel corresponds to a non-pay for use channel, the channel access controller 38 will allow the video signal at the frequency corresponding to the selected channel received from the video signal source 18 or 26, to be passed to the television set 12. (emphasis added)

If the selected channel is a pay-for-use channel, the channel access controller 38 will require authorization from the authorization receiver 36 before allowing the selected channel to pass to the television set 12. If the selected channel is a pay-for-use channel and no authorization is received, the television set 12 will have been tuned to the channel selected by the User with the hand-held infrared remote control 16, but it will not receive a signal for that channel because the channel access controller 38 will not allow the video signal at the frequency corresponding to the selected channel to be passed to the

television set 12. (emphasis added)

In the preferred embodiment of the invention, the telephone line/television interface 24 will comprise the arrangement of FIG. 4. In this embodiment, the request receiver 34 comprises a means for receiving a request to tune to a selected channel from a hand-held remote control device 16. As described above, this request receiver 34 is operable to receive and interpret transmissions from the remote hand-held remote control device 16 in the same manner as the television set 12. (emphasis added)

The transmission from the hand-held remote control device 16 may use ultrasonic, UHF, infrared, or other electromagnetic or non-electromagnetic signals. As infrared is most common, it is described as the preferred embodiment of the invention. In order to be compatible with as many television sets 12 as possible, the infrared receiver 40 may be operable to understand the infrared signals from the hand-held remote control device 16 in a number of manners. In the preferred embodiment, it is intended that the infrared receiver 40 be pre-programmed with the most common infrared protocols, so that the User may program the telephone line/television interface 24 to respond to the same infrared protocol that the television set 12 responds to. (emphasis added)

Generally, the telephone line/television interface 24 will not be able to understand commands from the hand held remote control device 16 until a protocol is coordinated between them. As universal hand held remote control devices 16 are common and inexpensive, the telephone line/television interface 24 could be delivered to the customer in a default protocol mode. This would require the customer to change the output of the universal hand held remote control device 16 temporarily to the default protocol to advise the telephone line/television interface 24 which protocol would match that of the television set 12. It is common for universal hand held remote control devices 16 to be provided with a table indicating how the universal hand held remote control device 16 it is to be set the most common infrared protocols, by manufacturer and model number of television set 12. (emphasis added)

Alternatively, the communication protocol of the telephone line/television interface 24 could be set manually, possibly using selector switches in the telephone line/television interface 24 itself. As well, the global access controller 28 may be programmed to provide downloadable sets of infrared protocols, so that a User may update his telephone line/television interface 24 by dialing the telephone number of the global access controller 28 and directing it to download the desired protocol to the telephone line/television interface 24. (emphasis added)

Hence, it is clear that Bradley teaches an audio/video system having three major components: the telephone line/television control interface, the global authorization computer, and the local source of video signals. Bradley teaches utilizing a hand-held remote control device that is operable to transmit a tuning signal representing a selected channel. In Bradley's invention, a telephone line/television control interface intercedes between the remote control device and a global authorization computer that determines whether an audio/visual signal will be sent to a television.

In contrast, amended independent claim 1 of the present invention, and amended

independent claims 13 and 21 in similar fashion, recites an apparatus for controlling functions of an image processing apparatus using a remote control wherein if a code corresponding to the remote control signal received by the remote control signal receiver is not stored in the memory unit, the controller ignores the remote control signal. That is, the remote control (see also FIG. 1 of the present invention) directly controls sending signals to the AV system, wherein if a code corresponding to the remote control signal received by the remote control signal receiver of the AV system is not stored in the memory unit, the controller of the AV system ignores the remote control signal.

Thus, it is respectfully submitted that the structure of Bradley is different from the structure of amended independent claims 1, 13 and 21 of the present invention, and Bradley teaches away from amended independent claims 1, 13 and 21 of the present invention.

Thus, even if combined, Ohyama, Chang, Song and Bradley do not teach or suggest amended independent claims 1, 13 and/or 21 of the present invention.

Hence, amended independent claims 1, 13 and 21 are submitted to be patentable under 35 U.S.C. §103(a) over Ohyama et al. (USPN 5,751,373) in view of Chang et al. (US 2003/0090515) and Song (US 5,691,778) and further in view of Bradley et al. (USPN 6,574,798), alone or in combination. Since claims 3-6, 8-12, 15-17, and 19 depend from amended independent claims 1 and 13, claims 3-6, 8-12, 15-17, and 19 are patentable under 35 U.S.C. §103(a) over Ohyama et al. (USPN 5,751,373) in view of Chang et al. (US 2003/0090515) and Song (US 5,691,778) and further in view of Bradley et al. (USPN 6,574,798), alone or in combination for at least the reasons amended independent claims 1 and 13 are patentable under 35 U.S.C. §103(a) over Ohyama et al. (USPN 5,751,373) in view of Chang et al. (US 2003/0090515) and Song (US 5,691,778) and further in view of Bradley et al. (USPN 6,574,798), alone or in combination.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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